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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,259	10/03/2003	Bernd Ganzer	0179-0233P	9087

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EXAMINER	
TSIDULKO, MARK	

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/677,259	GANZER ET AL.	
	Examiner	Art Unit	
	Mark Tsidulko	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8,9,11 and 12* is/are rejected.

7)☒ Claim(s) *6,7 and 10* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The submission of amendment filed on 7/25/2005 is acknowledged. At this point claims 1-11 have been amended and new claim 12 has been added. Thus, claims 1-12 are at issue in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 8, 9, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell et al. (US 6,456,205) in view of Cote et al. (US 6,244,728).

Referring to Claims 1-3 Russell et al. disclose (Fig. 30) an anti-collision warning light for use on an aircraft (Abstract) having a holding body [22] with an outer side, a several LEDs [20] arranged at the outer side of the holding body in a common plane, the light radiation direction of which point away from the holding body, a drive unit [30] for the pulse-like drive of the LEDs (Abstract) and an optical element [26] surrounding the holding body.

Russell et al. disclose the instant claimed invention except for that the optical element is refractive.

Cote et al. disclose (Fig.6B) a lighting device use as an aircraft position light having a refractive optical cover [130] (col.12, lines 27-31, 44-47) what allow to increase the illumination.

Referring to Claim 4 Russell et al. disclose the instant claimed invention except for that the optical element has a circumferential edge portion.

It would have been an obvious matter of design choice to provide the different decorative shapes of the lens for purpose of aesthetic appearance.

Referring to Claim 4 Russell et al. disclose (Fig.1) LEDs [14] and [20] arranged in two planes parallel to each other.

Referring to Claim 8 Russell et al. disclose a symmetrical arrangement of the LEDs (Fig.4), therefore the light distribution is also symmetrical.

Referring to Claim 9 Russell et al. show (Fig.2) the LEDs providing with lenses.

Referring to Claim 11 Russell et al. show (Fig.4) a cylindrical holding body.

Referring to Claim 12 it is clearly understood that the device can be used fort any aircraft apparatus, including an airplane.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the refractive optical cover, as taught by Cote et al., for the device of Russell et al. in order to increase the illumination.

Allowable Subject Matter

Claims 6, 7 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 6 the prior art of record fails to show an anti-collision warning light for use on an aircraft wherein each plane has a different portions of the refractive optical element allocated thereto.

Claim 7 is objected as claim depended on claim 6.

Referring to Claim 10 the prior art of record fails to show an anti-collision warning light for use on an aircraft wherein the LEDs have individual light-emitting portions and that several of such portions are combined in one LED module.

Response to Arguments

Applicant's arguments filed on7/25/2005 have been fully considered but they are not persuasive.

Applicant argues, that the references of the non-final action can not be combined, because the main reference (Russel et al.) "*contains absolutely no teaching that the transparent cover has any refractive properties*" and therefore no motivations to combine the references. Following this logic, a main reference must to disclose all limitations of the claim (what is rejection under paragraph 102), otherwise, claim must be allowed. Examiner is aware, that Russel et al. fails to disclose a refractive properties, hence Cote et al. is used in a 103 rejection to teach the use of the refractor and why one would use such a refractor (see col.12, lines 27-31 and 44-47).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.
August 1, 2005

JOHN ANTHONY WARD
PRIMARY EXAMINER